

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Rehearing of Application No. 11929 of Jerro Shaw, pursuant to Section 8207.1 of the Zoning Regulations, for a variance from the rear yard requirements of Section 3304.1 of the Regulations to permit the construction of a two (2) story addition to a dwelling as provided by Section 8207.11 of the Regulations at the premises 2013 - 32nd Place, S.E., Lot 91, Square 5655.

HEARING DATE: June 16, 1976

DECISION DATE: July 14, 1976

FINDINGS OF FACT:

1. By Order dated December 12, 1975, the Board GRANTED the original application herein whereby applicant was granted a variance from the rear yard requirements to permit the construction of a two (2) story addition to a dwelling.

2. In its Order the Board found that applicant's family consisted of five (5) members; that the addition was necessary for his growing family who needed more space; and that the proposed addition would be used as two (2) bedrooms. It concluded that the existence of a practical difficulty has been demonstrated.

3. On February 17, 1976, parties in opposition filed a timely motion for reconsideration and rehearing; on March 5, 1976, said parties filed an amended motion, asserting that applicant and his family had vacated the subject premises.

4. By Order dated March 23, 1976, the Board determined that the parties in opposition had raised new issues which required the Board to rehear the application. The Board immediately STAYED its Order of December 12, 1976 pending a rehearing on the application. The Board did not then know that building permits had issued on January 8, 1976.

5. In December 1975, applicant entered into a contract for purchase of a new home for his family. Sometime in February 1976 applicant moved his family and furniture from the subject premises to his new home in Maryland.

6. Applicant filed an opposition to the motion for rehearing and did not appear at the rehearing.

CONCLUSION OF LAW AND OPINION:

Based on the record the Board concludes that there is no longer a need for the relief sought in the original application. Accordingly, it is ORDERED that the application is DENIED and the former Order of the Board, dated December 12, 1975 is hereby RESCINDED.

VOTE: 3-1 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq., and Leonard L. McCants, Esq., to DENY; William F. McIntosh to GRANT, William S. Harps not voting, not having heard the rehearing).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT, D.C.

ATTESTED BY: Arthur B. Hatton  
ARTHUR B. HATTON  
Executive Secretary

FINAL DATE OF ORDER: 2-28-77

Before the Board of Zoning Adjustment, D. C.

Application No. 11929, of Jerro Shaw, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to permit the construction of a two story addition to a dwelling in the R-1-B District at the premises 2013 - 32nd Place, S. E., (Square 5655, Lot 91).

HEARING DATE: June 18, 1975 and August 20, 1975

DECISION DATE: September 5, 1975

DISPOSITION: Application GRANTED by a vote of 3-0 (Mr. Harps, Mr. McIntosh and Dr. Lewis to grant, Mr. Scrivener and Lilla Burt Cummings, Esq. not voting).

FINAL DATE OF ORDER: December 8, 1975

#### ORDER

Upon consideration of the Motion for Rehearing and Reconsideration, dated February 17, 1976, the Amended Motion dated March 5, 1976 and the letter to the Board, dated March 8, 1976, all submitted by the attorney for parties in opposition to this application, it is the opinion of the Board that the parties in opposition have raised new issues which require that the Board rehear this case. It is further the opinion of the Board that the parties in opposition have stated sufficient grounds for the Board to stay the effect of its previous decision while it rehears the case and make some further disposition of this matter. It is therefore ordered that the effect of the Board's previous order in this case dated December 8, 1975 is hereby immediately stayed, pending a rehearing of this application. It is further ordered that a rehearing on this case be scheduled, subject to proper advertisement in accordance with the Supplemental Rules of Practice and Procedure before the Board.

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VOTE: 4-0 (Lilla Burt Cummings, Esq., Mr. McIntosh,  
Mr. Harps and Mr. McCants to stay and release,  
Mrs. McZier not present not voting).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: Steven E. Sher  
STEVEN E. SHER  
Acting Secretary to the Board

FINAL DATE OF ORDER: MAR 23 1976

Before the Board of Zoning Adjustment, D. C.

Application No. 11929 of Jerro Shaw pursuant to Section 8207.1 of the Zoning Regulations for a variance from the rear yard requirements of Section 3304.1 of the Regulations to permit the construction of a two (2) story addition to a dwelling, as provided by Section 8207.11 of the Regulations at the premises 2013 - 32nd Place, S. E., Lot 91, Square 5655.

HEARING DATE: June 18, 1975 and August 20, 1975

DECISION DATE: September 5, 1975

FINDINGS OF FACT:

1. The above application was originally heard on June 18, 1975, however, the Board ordered a rehearing because the applicant failed to submit an accurate list of the names and addresses of owners of property abutting the subject property.
2. The subject property is located in the R-1-B Zone district which requires a twenty-five (25) foot rear yard.
3. The applicant proposes to construct an addition to the rear of his existing house. The addition would extend 11' from the rear of the house into his present rear yard of 30', which would create a 19' rear yard, 6 feet short of the required 25 feet.
4. The applicant testified at public hearing that the addition is necessary because of his growing family who need more space.
5. The existing dwelling is semi-detached, with two 11' side yards and a 30' feet rear yard.
6. The applicant's family is composed of five members including himself.
7. The existing house contains two bedrooms and two bathrooms.
8. The proposed addition would be used as two bedrooms.
9. The proposed addition would extend 11 feet towards the rear of the subject property from the level of the second floor joists, and be supported by piers or stilts. The area beneath the second floor joists would remain a part of the applicant's rear yard.
10. Letter of record indicates that the abutting property owners and neighbors object to the proposed addition on the basis that the proposed addition will block sunlight and air from their back yards, and have a detrimental affect on the value of their property.

11. The opposing neighbors were not at public hearing or subject to cross examination of the Board or the applicant.

CONCLUSIONS OF LAW:

Based upon the above findings, and the record, the Board is of the opinion that the applicant has demonstrated the existence of a practical difficulty in attempting to make a reasonable and beneficial use of his property, when such use will not be to the detriment of the public good or impair the meaning and intent of the Regulations and Map.

Accordingly, the Board concludes that the applicant has complied with Section 8207.11 of the Regulations to support his requested relief from strict application of the Regulations.

ORDERED: That the above application be GRANTED.

ATTESTED: James E. Miller  
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: DEC. 8, 1975

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.